

City Council Introduction: **Monday**, July 12, 2004  
Public Hearing: **Monday**, July 19, 2004, at **1:30 p.m.**

Bill No. 04-130

## **FACTSHEET**

**TITLE:** **STREET VACATION NO. 04002**, requested by the abutting property owners, to vacate the remaining portion of 47<sup>th</sup> Street right-of-way between the north line of "W" Street and the south line of the vacated Missouri Pacific Railroad right-of-way.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: Consent Agenda: 04/28/04  
Administrative Action: 04/28/04

**STAFF RECOMMENDATION:** A finding of conformance with the Comprehensive Plan.

**RECOMMENDATION:** A finding of conformance with the Comprehensive Plan (9-0: Marvin, Krieser, Carlson, Larson, Sunderman, Pearson, Carroll, Taylor and Bills-Strand voting 'yes').

### **FINDINGS OF FACT:**

1. This is a request to vacate the remaining portion of 47<sup>th</sup> Street located between "W" Street and the MoPac Trail.
2. The staff recommendation to find the proposed street vacation to be in conformance with the Comprehensive Plan is based upon the "Analysis" as set forth on p.3.
3. On April 28, 2004, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
4. On April 28, 2004, the Planning Commission agreed with the staff recommendation and voted 9-0 to find the proposed street vacation to be in conformance with the Comprehensive Plan.
5. The City Real Estate Division has assessed a total value for the area to be vacated at \$4,825.00, as set forth on p.7.
6. The City Clerk has determined that the provisions of Chapter 14.20 of the Lincoln Municipal Code have been satisfied.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** July 1, 2004

**REVIEWED BY:** \_\_\_\_\_

**DATE:** July 1, 2004

**REFERENCE NUMBER:** FS\CC\2004\SAV.04002

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for April 28, 2004 PLANNING COMMISSION MEETING

**P.A.S.:** Street and Alley Vacation #04002

**PROPOSAL:** Vacate the remaining portion of 47<sup>th</sup> Street right-of-way between the north line of "W" Street and the south line of the vacated Missouri Pacific Railroad right-of-way.

**LOCATION:** 47<sup>th</sup> and "W" Streets.

**LAND AREA:** 9,660 square feet, more or less.

**CONCLUSION:** The vacation of this portion of 47<sup>th</sup> Street conforms to the Comprehensive Plan provided easements are retained for public utilities.

<b><u>RECOMMENDATION:</u></b>	Conforms to the Comprehensive Plan
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### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** The remaining portion of the N. 47<sup>th</sup> Street right-of-way between the north line of W Street and the south line of the vacated Missouri Pacific Railroad right-of-way, located in the NW 1/4 of Section 20 T10N R7E, Lancaster County, Nebraska

### **SURROUNDING LAND USE AND ZONING:**

North:	MoPac trail	H-2 Highway Business
South:	Commercial	H-2 Highway Business
East:	Commercial	H-2 Highway Business
West:	Commercial	H-2 Highway Business

### **HISTORY:**

Jun 1995 Administrative Final Plat #95028 Hotovy Heights was approved. Lot 1 included the 47<sup>th</sup> Street right-of-way that had already been vacated.

Nov 1994 Street and Alley Vacation #94012 approved vacating the west 30 feet of 47<sup>th</sup> Street in this location.

**COMPREHENSIVE PLAN SPECIFICATIONS:** The Land Use Plan identifies this area as Commercial. (F 25)

**UTILITIES:** Alltel, LES, and Time-Warner Cable all have facilities within this right-of-way and have requested easements for existing and future facilities.

**ANALYSIS:**

1. This is a request to vacate the remaining portion of 47<sup>th</sup> Street located between “W” Street and the MoPac trail.
2. The other half of the original 60' right-of-way has been vacated and platted over. This right-of-way was never paved, although it does currently contain utilities.
3. This vacation will not leave any lots without street frontage.
4. The Parks and Recreation Department considered the option of retaining a trail easement from “W” Street to the MoPac trail, but chose not to.
5. Three of the four applicants have expressed an intention to purchase the entire right-of-way if vacated.
6. Easements should be retained for existing and future utility facilities.

**BEFORE THE VACATION REQUEST IS SCHEDULED ON THE CITY COUNCIL AGENDA  
THE FOLLOWING MUST BE COMPLETED:**

- 1.1 The provisions of Chapter 14.20 of the Lincoln Municipal Code must be met.
- 1.2 Easements must be retained over the entire vacated area for existing and future utilities.

Prepared by:

Greg Czaplewski  
441.7620, gczaplewski@ci.lincoln.ne.us

**Date:** April 14, 2004

**Applicants:**

Thu H. and Tommy Le  
7425 Stevens Ridge Road  
Lincoln, NE 68516  
466.4556

Triton Enterprises, Inc.  
921 North 48<sup>th</sup> Street  
Lincoln, NE 68504  
466.7811

Randall and Suzanne Nelson  
6320 Yellowstone Circle  
Lincoln, NE 68510  
488.2690

Lincoln Goodyear Employees Federal Credit Union  
4638 "W" Street  
Lincoln, NE 68506

**Owners:**

Same as Applicants.

**Contacts:**

Same as Applicants.

## STREET VACATION NO. 04002

### CONSENT AGENDA

### PUBLIC HEARING & ADMINISTRATIVE ACTION

### BEFORE PLANNING COMMISSION:

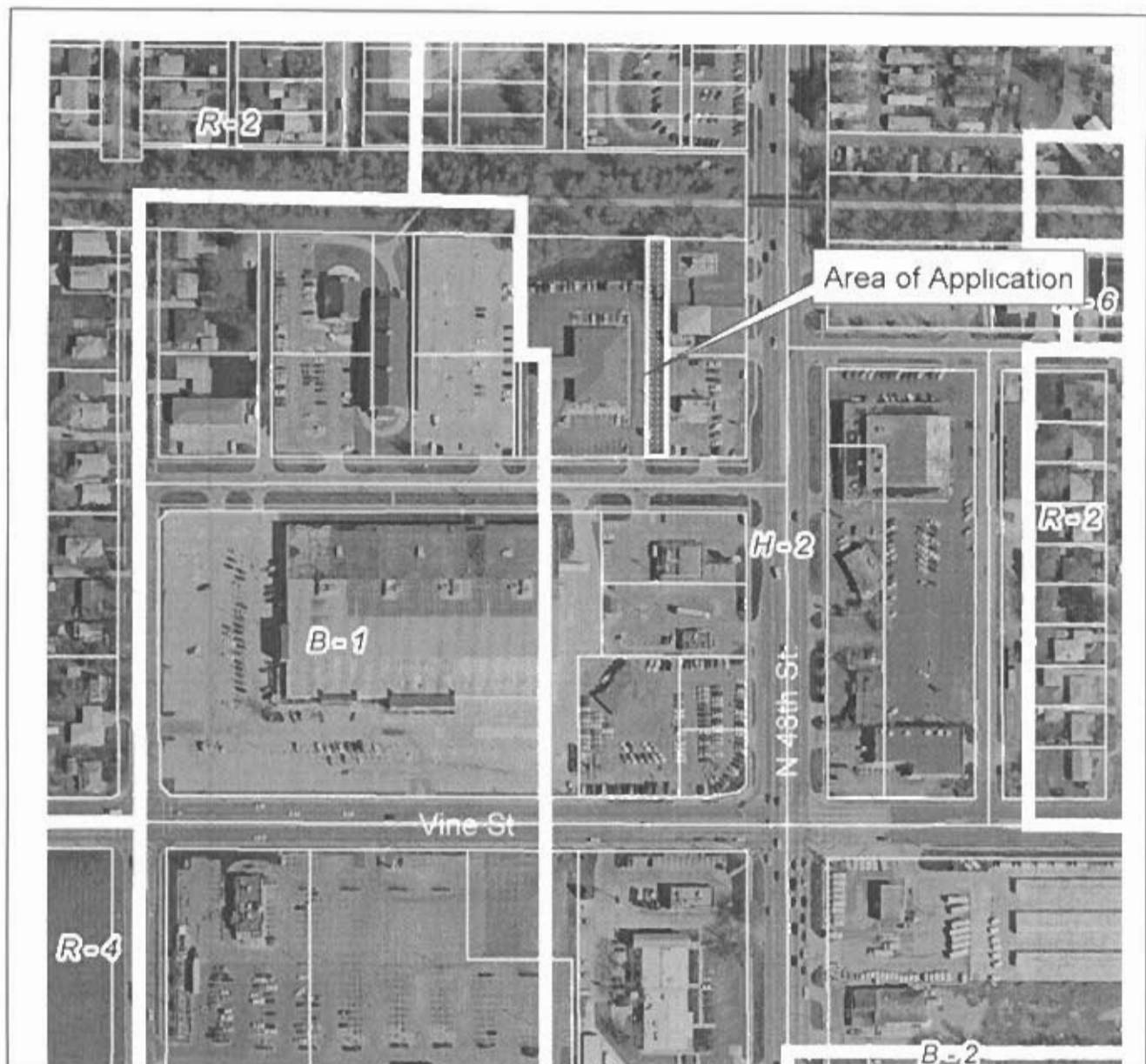
April 28, 2004

Members present: Carlson, Carroll, Krieser, Larson, Marvin, Pearson, Bills-Strand, Sunderman and Taylor.

The Consent Agenda consisted of the following items: **SPECIAL PERMIT NO. 1778B, WAIVER NO. 04006 and STREET AND ALLEY VACATION NO. 04002.**

Larson moved to approve the Consent Agenda, seconded by Krieser and carried 9-0: Carlson, Carroll, Krieser, Larson, Marvin, Pearson, Bills-Strand, Sunderman and Taylor voting 'yes'.

This is final action on Special Permit No. 1778B and Waiver No. 04006, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



2002 aerial

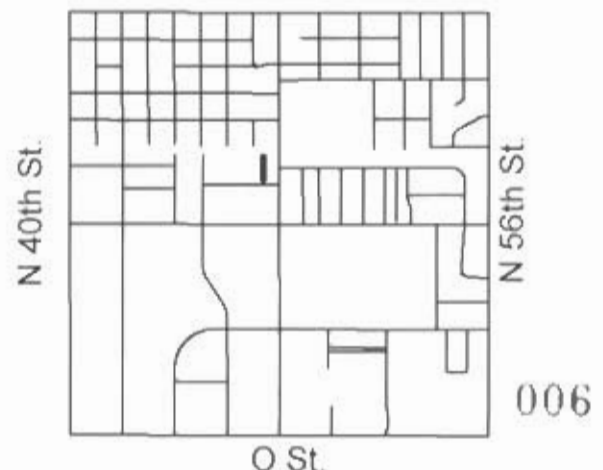
## Street & Alley Vacation #04002 N 47th & W St.

Holdrege St.

### Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile  
Sec. 20 T10N R7E



O St.

Lincoln City - Lancaster County Planning Dept

## INTEROFFICE MEMORANDUM

TO: Mayor Seng  
& City Council Members

FROM: Clinton W. Thomas

DEPARTMENT: City Council Office

DEPARTMENT: Real Estate Division

ATTENTION:

DATE: June 4, 2004

COPIES TO: Joan Ross  
Marvin Krout  
Dana Roper  
Byron Blum

SUBJECT: Street & Alley Vacation No. 4002  
North 47<sup>th</sup> Street; W St. to MoPac  
Railroad

A request has been made to vacate the easterly half of the former 47<sup>th</sup> Street right-of-way lying between W Street and the former MoPac Railroad right-of-way. The westerly half of this street was vacated in 1994 and sold to the abutting property owner. When the area was viewed, it appeared as a generally level terrace approximately 3 to 4 feet lower than the abutting property on the west and 6 to 10 feet higher than the abutting property on the east. Overhead utility lines were observed running along the street right-of-way; no other utilities were apparent. It has been requested easements be retained for existing and future utilities. Long, narrow strips such as this have very little value, in and of themselves, but will generally assume the value of the abutting property once it is assembled into it. In this case, the value of the abutting land is estimated at approximately \$10 per square foot.

It is this writer's opinion, a prudent buyer would pay 30% to 35% of the value they hope to gain for a small parcel of assemblage property such as this. However, in this case the elevation difference will restrict the usability of the area after it is assembled into the abutting property. In order to use the area, the owner would have substantial expense to excavate the bank which is located there and stabilize it with a retaining wall to protect the abutting property. Any excavation would also require the lowering of the existing overhead utility lines. Because of these obstacles to the use of the property, a nominal amount of \$0.50 per square foot is considered appropriate. The calculations are as follows:

Portion abutting Lot 3	
4,500 sq. ft. X \$0.50/sq. ft. =	\$2,250
Portion abutting south 70 feet of Lot 4	
2,100 sq. ft. X \$0.50/sq. ft. =	\$1,050
Lot 4 except the south 70 feet	
3,057 sq. ft. X \$0.50/sq. ft. = \$1,528.50 called	<u>\$1,525</u>
TOTAL	<u>\$4,825</u>

Therefore, it is recommended, if the area be vacated, it be sold to the abutting property owners along the east side for \$4,825 as broken down above.

Respectfully submitted,



Clinton W. Thomas  
Certified General Appraiser #990023

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